

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:21-CV-98-BO

CARLOS A. ALFORD,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
DENIS McDONOUGH,)	
<i>Secretary of Veterans Affairs</i>)	
)	
Defendant.)	

This cause comes before the Court on corrected memorandum and recommendation¹ (M&R) of United States Magistrate Judge Robert T. Numbers, II. No response or objection to the M&R has been filed, and the time for doing so has expired. The M&R is ripe for review.

Plaintiff initiated this action by filing a complaint in the Eastern District of North Carolina, alleging that he was entitled to wages at \$15/hour instead of \$7/hour for his contract work with the Department of Veterans Affairs. Magistrate Judge Numbers subsequently filed the instant M&R recommending that plaintiff's motion for leave to proceed *in forma pauperis* be granted and that the complaint be dismissed for failure to state a claim upon which relief can be granted.

A district court is required to review de novo those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face

¹ This order addresses the corrected M&R [DE 6]. The Clerk is therefore DIRECTED to terminate as pending the original M&R [DE 5].

of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

The Court is satisfied that there is no clear error on the face of the record and ADOPTS the M&R [DE 6]. Plaintiff’s motion for leave to proceed in forma pauperis [DE 1] is GRANTED. Plaintiff’s complaint [DE 7] is DISMISSED for failure to state a claim. The Clerk is DIRECTED to close the case.

SO ORDERED, this 5 day of October, 2021.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE